

Docket No: 09-0383
Bench Date: 10/06/10
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: D. Ethan Kimbrel, Administrative Law Judge

DATE: September 17, 2010

SUBJECT: Illinois Commerce Commission
On Its Own Motion

Amendment of 83 Ill. Adm. Code 792

Staff's Motion to Withdraw Rulemaking and Motion to Dismiss Proceeding

RECOMMENDATION: Dismiss this Docket with prejudice.

On August 10, 2009, Staff of the Illinois Commerce Commission Telecommunications Division submitted a Staff Report recommending that 83 Ill. Adm. Code 792 be amended. This Staff Report recommended removal of the requirement that telecommunications carriers biennially file imputation tests for certain services. Part 792 was originally meant to facilitate the compliance of telecommunications carriers with Section 13-505.1 "Imputation" of the Illinois Public Utilities Act ("Act"). The Staff Report recommended deletion of Section 792.30(e) and (f) as the requirements are unnecessary and redundant given the increased competition in telecommunications service. Staff also indicated that deletion of these requirements would reduce compliance burdens imposed on subject telecommunications providers and further stated that such amendments were the subject of general agreement among stakeholders reached in the course of an industry workshop.

On August 19, 2009, the Commission entered an Order in which it commenced this docket for the purpose of amending 83 Ill. Adm. Code 792 entitled "Imputation."

On January 21, 2010, the Commission entered an Order beginning the first notice period pursuant to Section 5-40(b) of the Illinois Administrative Procedure Act.

On April 21, 2010, the Commission entered an Order approving that the proposed amendment of 83 Ill. Adm. Code 792 be submitted to the Joint Committee on Administrative Rules to begin the second notice period.

On June 15, 2010, the Governor signed SB 107, as Public Act 96-927. Public Act 96-927 repeals Section 13-501.1 "Imputation" in its entirety.

On September 13, 2010, pursuant to 83 Ill. Adm. Code 200.190, Staff filed its Motion to Withdraw Rulemaking and Motion to Dismiss Proceeding stating that because this new

legislation repeals Section 13-501.1 "Imputation," it effectively repeals 83 Ill. Adm. Part 792 as well.

Staff has moved without objection to dismiss this docket, as being statutorily moot.

I recommend that this docket be dismissed, with prejudice.

DEK:fs